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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,203	05/15/2001	Roland H. DeLeon	032757.0002	2512

7590 01/05/2006
Stephen S. Korniczky, Esq.
Brobeck, Phleger & Harrison LLP
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San Diego, CA 92130



EXAMINER

FLANDERS, ANDREW C

ART UNIT PAPER NUMBER

2644

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,203

Applicant(s)

DELEON, ROLAND H.

Examiner

Andrew C Flanders

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-129 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-129 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119.

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, 43-45, 72-75 and 109-110 are drawn to an Audio Processor, classified in class 700 subclass 94.
 - II. Claims 10-18 and 76-84 are drawn to Input Nominalization, classified in class 381 subclass 107.
 - III. Claims 19-29 and 85-95 are drawn to Compression, classified in class 381 subclass 106.
 - IV. Claims 30-33 and 96-99 are drawn to an Equalizer, classified in class 381 subclass 103.
 - V. Claims 34-42 and 100-108 are drawn to Output Nominalization, classified in class 381 subclass 107.
 - VI. Claims 46-48 and 11-113 are drawn to Signal enhancement, classified in class 381 subclass 66.
 - VII. Claims 49-51 and 114-116 are drawn to Signal Monitoring, classified in class 381 subclass 56.
 - VIII. Claims 52-54 and 117-119 are drawn to Output Amplification, classified in class 381 subclass 28.
 - IX. Claims 55-63 and 120-124 are drawn to Encoding, Decoding and Signal Streaming, classified in class 700 subclass 94.

- X. Claims 64-68 and 125-129 are drawn to the Input and Output of a Video signal, classified in class 386 subclass 1.
2. The inventions are distinct, each from the other because of the following reasons:
3. The Inventions of the Audio Processor and the Input Nominalization are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention of the Input Nominalization has separate utility such as a user adjustable audio gain device in any number of audio applications where the input needs to achieve a minimum value or be below a maximum value.
4. The Inventions of the Audio Processor and the Compression device are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention of the Compression has separate utility well recognized in the art. Compression is useful in applications where space for audio signals is very limited.
5. The Inventions of the Audio Processor and the Equalizer are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention of the Equalizer has separate utility. It is well recognized in the art to use an equalizer to shape an audio output based on attenuating and amplifying defined frequency ranges.

6. The Inventions of the Audio Processor and the Output Nominalization are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention of the Output Nominalization has separate utility such as a user adjustable audio gain device in any number of audio applications where the input needs to achieve a minimum value or be below a maximum value.

7. The Inventions of the Audio Processor and the Signal Enhancement are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention of the Signal Enhancement has separate utility such as in musical instruments or musical instrument amplification devices to remove or add reverberation.

8. The Inventions of the Audio Processor and the Signal Monitoring are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention of the Signal Monitoring has separate utility such as in automatic gain control to determine whether a signal is within a predetermined range.

9. The Inventions of the Audio Processor and the Output Amplification are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention of the Output Amplification has separate utility such as in

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stereo or other music equipment to provide sufficient amplification to speakers or other output devices.

10. The Inventions of the Audio Processor and the Encoding, Decoding, and Signal Streaming are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention of the Encoding, Decoding, and Signal Streaming has separate utility such as in streaming audio.

11. The Inventions of the Audio Processor and Input and Output of Video Signals are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention of the Input and Output of Video Signals has separate utility such as in the input to a television set.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Flanders whose telephone number is (703) 305-0381. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

acf



FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER